

SECOND REGULAR SESSION

SENATE BILL NO. 1239

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DEMPSEY.

Read 1st time February 27, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5372S.011

AN ACT

To repeal sections 302.060 and 302.171, RSMo, and to enact in lieu thereof three new sections relating to driver's licenses, with penalty provisions and an effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 302.060 and 302.171, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 302.060, 302.064,
3 and 302.171, to read as follows:

302.060. The director shall not issue any license and shall immediately
2 deny any driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person
4 operates a motor vehicle in the transportation of persons or property as classified
5 in section 302.015;

6 (2) To any person who is under the age of sixteen years, **or to any**
7 **person who is under eighteen years of age who fails to meet the**
8 **qualifications of section 302.064**, except as [hereinafter] provided by **this**
9 **section**;

10 (3) To any person whose license has been suspended, during such
11 suspension, or to any person whose license has been revoked, until the expiration
12 of one year after such license was revoked;

13 (4) To any person who is an habitual drunkard or is addicted to the use
14 of narcotic drugs;

15 (5) To any person who has previously been adjudged to be incapacitated
16 and who at the time of application has not been restored to partial capacity;

17 (6) To any person who, when required by this law to take an examination,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 has failed to pass such examination;

19 (7) To any person who has an unsatisfied judgment against such person,
20 as defined in chapter 303, RSMo, until such judgment has been satisfied or the
21 financial responsibility of such person, as defined in section [303.120] **303.020**,
22 RSMo, has been established;

23 (8) To any person whose application shows that the person has been
24 convicted within one year prior to such application of violating the laws of this
25 state relating to failure to stop after an accident and to disclose the person's
26 identity or driving a motor vehicle without the owner's consent;

27 (9) To any person who has been convicted more than twice of violating
28 state law, or a county or municipal ordinance where the defendant was
29 represented by or waived the right to an attorney in writing, relating to driving
30 while intoxicated; except that, after the expiration of ten years from the date of
31 conviction of the last offense of violating such law or ordinance relating to driving
32 while intoxicated, a person who was so convicted may petition the circuit court
33 of the county in which such last conviction was rendered and the court shall
34 review the person's habits and conduct since such conviction. If the court finds
35 that the petitioner has not been convicted of any offense related to alcohol,
36 controlled substances or drugs during the preceding ten years and that the
37 petitioner's habits and conduct show such petitioner to no longer pose a threat to
38 the public safety of this state, the court may order the director to issue a license
39 to the petitioner if the petitioner is otherwise qualified pursuant to the provisions
40 of sections 302.010 to 302.540. No person may obtain a license pursuant to the
41 provisions of this subdivision through court action more than one time;

42 (10) To any person who has been convicted twice within a five-year period
43 of violating state law, or a county or municipal ordinance where the defendant
44 was represented by or waived the right to an attorney in writing, of driving while
45 intoxicated, or who has been convicted of the crime of involuntary manslaughter
46 while operating a motor vehicle in an intoxicated condition. The director shall
47 not issue a license to such person for five years from the date such person was
48 convicted for involuntary manslaughter while operating a motor vehicle in an
49 intoxicated condition or for driving while intoxicated for the second time. Any
50 person who has been denied a license for two convictions of driving while
51 intoxicated prior to July 27, 1989, shall have the person's license issued, upon
52 application, unless the two convictions occurred within a five-year period, in
53 which case, no license shall be issued to the person for five years from the date

54 of the second conviction;

55 (11) To any person who is otherwise disqualified pursuant to the
56 provisions of sections 302.010 to 302.780, chapter 303, RSMo, or section 544.046,
57 RSMo;

58 (12) To any person who is under the age of eighteen years, if such person's
59 parents or legal guardians file a certified document with the department of
60 revenue stating that the director shall not issue such person a driver's
61 license. Each document filed by the person's parents or legal guardians shall be
62 made upon a form furnished by the director and shall include identifying
63 information of the person for whom the parents or legal guardians are denying
64 the driver's license. The document shall also contain identifying information of
65 the person's parents or legal guardians. The document shall be certified by the
66 parents or legal guardians to be true and correct. This provision shall not apply
67 to any person who is legally emancipated. The parents or legal guardians may
68 later file an additional document with the department of revenue which
69 reinstates the person's ability to receive a driver's license.

302.064. 1. In addition to the requirements of section 302.171, the
2 **director of revenue shall require any applicant for an operator's license**
3 **or a temporary permit issued under section 302.130 who is fifteen to**
4 **eighteen years of age, and who attends public school in this state, to**
5 **present a certificate issued to such person from a public school in this**
6 **state documenting that the applicant has complied with the school**
7 **district's standards for eligibility for an operator's license or temporary**
8 **permit. Each school district shall develop a plan that includes, but is**
9 **not limited to, elements that demonstrate effort on the student's part,**
10 **such as attendance, and maintaining grades and achieving assessment**
11 **scores consistent with their skills and abilities. The school district**
12 **shall ensure that students are aware of the district's standards and**
13 **provide multiple opportunities in the fifth grade year and subsequent**
14 **years for students to receive information and participate in academic**
15 **counseling in anticipation of meeting such standards. The school**
16 **district's standards shall ensure that the student continues to make**
17 **educational progress. The student shall be required to meet the**
18 **standards in the academic year preceding such student's application**
19 **for an operator's license or temporary permit. A student enrolled in**
20 **public school who withdraws from public school and was not in**

21 compliance with the school district's standards for eligibility for an
22 operator's license or temporary permit at the time of such withdrawal
23 shall remain subject to the requirements of this section.

24 2. If an applicant does not achieve the school district's
25 standards, the applicant's driver's license test shall be postponed until
26 the applicant demonstrates the district's standards have been
27 achieved. The school district's plan shall create methods for
28 demonstrating, no less frequently than once a semester, that standards
29 have been met. The school district's standards shall also include a
30 method for evaluating students who transfer into the school district
31 after the age of fourteen who may not initially meet the district's
32 standards to prevent undue delay for that student to qualify.

33 3. Any person who is an emancipated minor, as defined in section
34 302.171, who does not meet the qualifications prescribed in this section
35 may request the school board of the school district in which such
36 person resides to grant a waiver from the requirements of this section
37 and such waiver shall be granted if the school board determines that
38 having a license to operate a motor vehicle is in the best interests of
39 that person. In addition, any person who withdraws from school and
40 earns a GED shall be granted, upon request, a waiver from the
41 requirements of this section.

42 4. The department of elementary and secondary education, in
43 cooperation with the department of revenue, shall promulgate a model
44 or models for school district standards.

45 5. Any person who knowingly submits false information to the
46 department under the provisions of this section is guilty of a class C
47 misdemeanor.

48 6. Any rule or portion of a rule, as that term is defined in section
49 536.010, RSMo, that is created under the authority delegated in this
50 section shall become effective only if it complies with and is subject to
51 all of the provisions of chapter 536, RSMo, and, if applicable, section
52 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
53 and if any of the powers vested with the general assembly pursuant to
54 chapter 536, RSMo, to review, to delay the effective date, or to
55 disapprove and annul a rule are subsequently held unconstitutional,
56 then the grant of rulemaking authority and any rule proposed or
57 adopted after August 28, 2008, shall be invalid and void.

302.171. 1. Beginning July 1, 2005, the director shall verify that an
2 applicant for a driver's license is lawfully present in the United States before
3 accepting the application. The director shall not issue a driver's license for a
4 period that exceeds an applicant's lawful presence in the United States. The
5 director may establish procedures to verify the lawful presence of the applicant
6 and establish the duration of any driver's license issued under this section. An
7 application for a license shall be made upon an approved form furnished by the
8 director. Every application shall state the full name, Social Security number, age,
9 height, weight, color of eyes, sex, residence, mailing address of the applicant, and
10 the classification for which the applicant has been licensed, and, if so, when and
11 by what state, and whether or not such license has ever been suspended, revoked,
12 or disqualified, and, if revoked, suspended or disqualified, the date and reason for
13 such suspension, revocation or disqualification and whether the applicant is
14 making a one dollar donation to promote an organ donation program as
15 prescribed in subsection 2 of this section. A driver's license, nondriver's license,
16 or instruction permit issued under this chapter shall contain the applicant's legal
17 name as it appears on a birth certificate or as legally changed through marriage
18 or court order. No name change by common usage based on common law shall be
19 permitted. The application shall also contain such information as the director
20 may require to enable the director to determine the applicant's qualification for
21 driving a motor vehicle; and shall state whether or not the applicant has been
22 convicted in this or any other state for violating the laws of this or any other
23 state or any ordinance of any municipality, relating to driving without a license,
24 careless driving, or driving while intoxicated, or failing to stop after an accident
25 and disclosing the applicant's identity, or driving a motor vehicle without the
26 owner's consent. The application shall contain a certification by the applicant as
27 to the truth of the facts stated therein. Every person who applies for a license to
28 operate a motor vehicle who is less than twenty-one years of age shall be provided
29 with educational materials relating to the hazards of driving while intoxicated,
30 including information on penalties imposed by law for violation of the
31 intoxication-related offenses of the state. Beginning January 1, 2001, if the
32 applicant is less than eighteen years of age, the applicant must comply with all
33 requirements for the issuance of an intermediate driver's license pursuant to
34 section 302.178. For persons mobilized and deployed with the United States
35 Armed Forces, an application under this subsection shall be considered
36 satisfactory by the department of revenue if it is signed by a person who holds

37 general power of attorney executed by the person deployed, provided the applicant
38 meets all other requirements set by the director. **An applicant who is less**
39 **than eighteen years of age and is not an emancipated minor shall meet**
40 **the requirements of section 302.064 in order to receive a license issued**
41 **under this chapter. As used in this section, the term "emancipated**
42 **minor" is a person who is at least sixteen years of age, but less than**
43 **eighteen years of age, who marries, enters active duty in the armed**
44 **forces, or who the custodial parent or legal guardian has relinquished**
45 **from parental control by express or implied consent, and who through**
46 **employment or other means provides for such person's own food,**
47 **shelter, and other cost-of-living expenses.**

48 2. An applicant for a license may make a donation of one dollar to promote
49 an organ donor program. The director of revenue shall collect the donations and
50 deposit all such donations in the state treasury to the credit of the organ donor
51 program fund established in sections 194.297 to 194.304, RSMo. Moneys in the
52 organ donor program fund shall be used solely for the purposes established in
53 sections 194.297 to 194.304, RSMo, except that the department of revenue shall
54 retain no more than one percent for its administrative costs. The donation
55 prescribed in this subsection is voluntary and may be refused by the applicant for
56 the license at the time of issuance or renewal of the license. The director shall
57 make available an informational booklet or other informational sources on the
58 importance of organ donations to applicants for licensure as designed by the
59 organ donation advisory committee established in sections 194.297 to 194.304,
60 RSMo. The director shall inquire of each applicant at the time the licensee
61 presents the completed application to the director whether the applicant is
62 interested in making the one dollar donation prescribed in this subsection and
63 whether the applicant is interested in inclusion in the organ donor registry and
64 shall also specifically inform the licensee of the ability to consent to organ
65 donation by completing the form on the reverse of the license that the applicant
66 will receive in the manner prescribed by subsection 6 of section 194.240,
67 RSMo. The director shall notify the department of health and senior services of
68 information obtained from applicants who indicate to the director that they are
69 interested in registry participation, and the department of health and senior
70 services shall enter the complete name, address, date of birth, race, gender and
71 a unique personal identifier in the registry established in subsection 1 of section
72 194.304, RSMo.

73 3. An applicant for a license may make a donation of one dollar to promote
74 a blindness education, screening and treatment program. The director of revenue
75 shall collect the donations and deposit all such donations in the state treasury to
76 the credit of the blindness education, screening and treatment program fund
77 established in section 192.935, RSMo. Moneys in the blindness education,
78 screening and treatment program fund shall be used solely for the purposes
79 established in section 192.935, RSMo, except that the department of revenue shall
80 retain no more than one percent for its administrative costs. The donation
81 prescribed in this subsection is voluntary and may be refused by the applicant for
82 the license at the time of issuance or renewal of the license. The director shall
83 inquire of each applicant at the time the licensee presents the completed
84 application to the director whether the applicant is interested in making the one
85 dollar donation prescribed in this subsection.

86 4. Beginning July 1, 2005, the director shall deny the driving privilege of
87 any person who commits fraud or deception during the examination process or
88 who makes application for an instruction permit, driver's license, or nondriver's
89 license which contains or is substantiated with false or fraudulent information
90 or documentation, or who knowingly conceals a material fact or otherwise
91 commits a fraud in any such application. The period of denial shall be one year
92 from the effective date of the denial notice sent by the director. The denial shall
93 become effective ten days after the date the denial notice is mailed to the
94 person. The notice shall be mailed to the person at the last known address shown
95 on the person's driving record. The notice shall be deemed received three days
96 after mailing unless returned by the postal authorities. No such individual shall
97 reapply for a driver's examination, instruction permit, driver's license, or
98 nondriver's license until the period of denial is completed. No individual who is
99 denied the driving privilege under this section shall be eligible for a limited
100 driving privilege issued under section 302.309.

101 5. All appeals of denials under this section shall be made as required by
102 section 302.311.

103 6. The period of limitation for criminal prosecution under this section
104 shall be extended under subdivision (1) of subsection 3 of section 556.036, RSMo.

105 7. The director may promulgate rules and regulations necessary to
106 administer and enforce this section. No rule or portion of a rule promulgated
107 pursuant to the authority of this section shall become effective unless it has been
108 promulgated pursuant to chapter 536, RSMo.

109 8. Notwithstanding any provisions of this chapter that requires an
110 applicant to provide proof of lawful presence for renewal of a noncommercial
111 driver's license, noncommercial instruction permit, or nondriver's license, an
112 applicant who is sixty-five years and older and who was previously issued a
113 Missouri noncommercial driver's license, noncommercial instruction permit, or
114 Missouri nondriver's license is exempt from showing proof of lawful presence.

115 9. Notwithstanding any other provision of this chapter, if an applicant
116 does not meet the requirements of subsection 8 of this section and does not have
117 the required documents to prove lawful presence, the department may issue a
118 one-year driver's license renewal. This one-time renewal shall only be issued to
119 an applicant who previously has held a Missouri noncommercial driver's license,
120 noncommercial instruction permit, or nondriver's license for a period of fifteen
121 years or more and who does not have the required documents to prove lawful
122 presence. After the expiration of the one-year period, no further renewal shall be
123 provided without the applicant producing proof of lawful presence.

Section B. Section A of this act shall become effective January 1, 2011.

Bill ✓

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